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REMARKS

Entry of this amendment is proper under 37 CFR §1.116 since no new claims or issues requiring additional search are presented. The only significant claim amendments are related to the Examiner's indication in paragraph 3 on page 3 of the Office Action that Applicant's point of argument is not clearly articulated in the claims. More important, as further discussed below, the rejections currently of record fail to provide the initial burden of a *prima facie* rejection adequate to proceed to appeal.

Claims 1-20 are all the claims presently pending in the application. Claims 1, 2, 12, 13, 19, and 20 are amended to more clearly define the invention. Claims 1, 12-13, and 20 are independent.

These amendments are made only to more particularly point out the invention for the Examiner. Applicant also notes that, notwithstanding any claim amendments herein or later during prosecution, Applicant's intent is to encompass equivalents of all claim elements.

Claims 1, 9, 11, 13, and 18-19 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by the Horii et al. reference. Claims 1-5, 10, 13-16, 18, and 20 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Ouchi et al. reference. Claims 6-8 and 17 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Ouchi et al. reference in view of the Kubo et al. reference. Claim 12 stands rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over the Ouchi et al. reference, further in view of US Patent 5,566,252 to Miyaza. Applicant understands that the statutory subject matter rejection for claim 20 has been withdrawn.

These rejections are respectfully traversed in the following discussion.

I. THE CLAIMED INVENTION

An exemplary embodiment of the claimed invention, as defined by, for example, independent claim 1 is directed to a portable communication apparatus that includes an image-capturing section for capturing an image depending on an operation of a shutter key and for sensing images in real-time, a display that includes a viewfinder display that displays the real-time sensed images and that includes a reference frame that indicates a predetermined optimal size of characters to achieve a predetermined success rate for

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character recognition for a character positioned within the reference frame, and a character recognition section for recognizing a character from a captured image.

Conventional portable communication devices have included image capturing devices and user-input devices, such as, for example, a number pad, but have not been able to input data using the image capturing device.

The present invention enables the input of data using an image capturing device.

Further, the present invention includes a display that includes a viewfinder display that displays the real-time sensed images and that includes a reference frame that indicates an optimal size for the character image for character recognition. In this manner, the present invention improves the performance of a character recognizer by ensuring that characters within a captured image are approximately of an optimum size.

II. THE PRIOR ART REJECTIONS

A. The Horii et al. reference

Regarding the rejection of claims 1, 9, 11, 13, and 18-19, the Examiner alleges that the Horii et al. reference teaches the claimed invention. Applicant submits, however, that there are elements of the claimed invention which are neither taught nor suggested by the Horii et al. reference.

None of the applied references teaches or suggests the features of the claimed invention including a display that includes a viewfinder display that displays the real-time sensed images and that includes a reference frame that indicates an optimal size of characters to achieve a predetermined success rate for character recognition for a character positioned within the reference frame. As explained above, these features are important for improving the performance of a character recognizer by ensuring that characters within a captured image are approximately of an optimum size.

In paragraph 2 on page 2 of the Office Action, the Examiner points to paragraph [0048] of Horii, along with Figure 13C-13G. However, Applicant respectfully submits that the "capture" of paragraph [0048] is not related to success of a character recognition processing. Moreover, the description for Figure 13C-13G in paragraphs [0091] through [0093], particularly paragraph [0091], indicates that the "matching" is related to matching for a password and is not reasonably related to a "predetermined success rate for character recognition."

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Therefore, Applicant respectfully submits that the rejection currently of record fails to establish a *prima facie* rejection for the independent claims. However, in an effort to expedite prosecution, Applicant has clarified the wording in the independent claims that the Examiner states as being missing.

As Applicant previously explained, the mobile telephone that is disclosed by the Horii et al. reference clearly suffers from the problems which are solved by the present invention. The telephone of the Horii et al. reference does not provide any guidance as to an optimal size of characters within a viewfinder display that would improve character recognition.

In stark contrast, the claimed invention includes a viewfinder display that displays the real-time sensed images and that includes a reference frame that indicates a predetermined success rate for character recognition for a character positioned within the reference frame. In this manner, the present invention improves the performance of a character recognizer by ensuring that characters within a captured image are approximately of an optimum size.

Therefore, the Horii et al. reference does not teach or suggest each and every element of the claimed invention and the Examiner is respectfully requested to withdraw this rejection of claims 1, 9, 11, 13, and 18-19.

B. The Ouchi et al. reference

Regarding the rejections based on Ouchi, Applicant submits that the rejection currently of record is somewhat confusing and needs clarification prior to proceeding to appeal. The Examiner seems to indicate in paragraph 4 on page 3 of the Office Action that the rejection based on Ouchi for claims 1-5 and 10-12 is withdrawn and a new rejection based upon combining Ouchi with Miyaza is made.

However, in paragraph 8 on page 10, the Examiner alleges that Ouchi teaches the claimed invention described by claims 1-5, 10, 13-16, 18, and 20. In paragraph 11, the Examiner adds a new rejection based on Ouchi and Miyaza.

Therefore, pending the Examiner's further clarification of the rejections based on Ouchi, Applicant submits the following responses.

Relative to the rejection for independent claim 1, the Examiner points to number 21 of Figure 2 of Ouchi. However, Applicant respectfully submits that there is no indication of a success rate, as alleged by the rejection and requests that the Examiner point out specific text description in Ouchi as to how this figure satisfies the plain meaning of the claim language.

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The rejection for independent claims 13 and 20 have the same deficiency. Therefore, Applicant submits that claims 1-5, 10, 13-16, 18, and 20 are clearly patentable over Ouchi,

Relative to the rejections based on modifying Ouchi by secondary references Kubo or Miyaza, neither of these secondary references overcome the fundamental deficiency identified above for the primary reference Ouchi. Therefore, claims 6-8, 12, and 17 are also clearly patentable over Ouchi.

Moreover, relative to the rejection for claims 6-8 and 17, wherein secondary reference Kubo is combined with Ouchi, the timer in Kubo is related to having two CCDs for image capture, as explained beginning at line 60 of column 9. Ouchi does not have such configuration using two CCDs. Therefore, without having this configuration involving two CCDs, there would be no reasonable motivation to modify Ouchi as the Examiner alleges.

Relative to the new rejection based on Miyaza, the Examiner points to step 122 in Figure 34.

However, Applicant submits that this step relates to the process of repeatedly performing character recognition and has nothing to do with an optimal size for characters for achieving a predetermined success.

III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing amendments and remarks, Applicant respectfully submits that claims 1-20, all the claims presently pending in the Application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the Application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

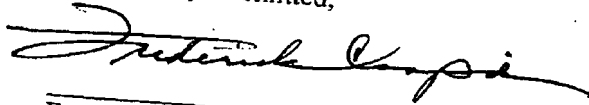
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The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 08/31/07

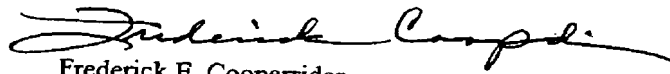


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CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Amendment under 37 CFR §1.116 to Examiner D. Rosario on August 31, 2007.



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